

SUPPLEMENTARY PLANNING ISSUE REPORT

Management Issue No. 6: What must CIA do to adequately comply with statutory requirements concerning records control, review, and public disclosure without significantly impeding performance of its primary missions.

A. Systematic Classification ReviewDiscussion:

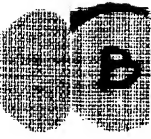
The consensus of the Executive Committee was that the Agency should push for the amendment of Executive Order 12065 to eliminate the 20-year systematic review requirement, as recommended recently by the Government Accounting Office (GAO). To that end, the Agency should commence preparing an official position and sounding out other National Security Council (NSC) member agencies on their stances on this issue. Fallback proposals should be developed for the eventuality that the NSC or the President might find the GAO recommendation unacceptable, such as the exemption of the CIA alone, or at least extension of the period of time for the review of foreign intelligence information from the present 20 years to 50 years.

Once it is clear that the systematic review requirement will be eliminated or modified in such a way as to substantially reduce the Agency's workload, the future staffing needs of the Classification Review Division (CRD) should be reassessed, and, if there are no legal strictures, surplus personnel should be detailed or transferred to other CIA components, including FOI/PA staffs when appropriate. The review of the Agency's OSS records, however, should be completed, with the objective of offering these records to the National Archives and Records Service (NARS) for accessioning at the earliest possible date.

If Executive Order 12065 is not amended with respect to the systematic review provision, the additional positions authorized for CRD in FY 1981 should be filled. Efforts should be made, working in close collaboration with NARS, to reduce the review workload through the revision of records control schedules and by gaining approval for certifying the need for retaining the classification of entire series of selected intelligence records in lieu of a document-by-document review.

Proposal No. 1: That the Deputy Director for Administration take the lead in ensuring that the NSC consider, and act favorably upon, the GAO recommendation that the provision of Executive Order 12065 requiring the systematic review of permanent, 20-year-old records be eliminated. DDA initiatives should be coordinated with the Office of General Counsel (OGC).

ADMINISTRATIVE INTERNAL USE ONLY



APPROVED: _____
Deputy Director of Central Intelligence

DISAPPROVED: _____
Deputy Director of Central Intelligence

DATE: _____

Proposal No. 2: That when and if the systematic review requirement of Executive Order 12065 is eliminated or substantially modified, and if there are no legal restrictions to preclude such a move, personnel surplus to CRD's future staffing needs be detailed or transferred to FOI/PA work or other Agency activities. Review of the OSS records, however, should be completed.

APPROVED: _____
Deputy Director of Central Intelligence

DISAPPROVED: _____
Deputy Director of Central Intelligence

DATE: _____

Proposal No. 3: That, if there is no change in Executive Order 12065, the new positions approved for CRD for FY 1981 be filled, and every avenue be pursued to reduce the number of documents that must be systematically reviewed.

APPROVED: _____
Deputy Director of Central Intelligence

DISAPPROVED: _____
Deputy Director of Central Intelligence

DATE: _____

B. FOI/PA Backlogs

Discussion: The Executive Committee was obviously concerned over the extended period of time required to answer many requests/appeals, and the fact that these delays have led to increased litigation with the Agency. The Committee proposed that we take a hard look at the way in which we process

requests to determine if changes are in order. Specifically, it was suggested that any superfluous levels of review be eliminated to speed up the process, and that, if OGC approved, consideration be given to establishing a separate queue for projects, i.e., cases involving a fixed, predetermined number of documents, in order that work could proceed on the less complicated requests instead of their being held up by relatively massive requests. The Director made it clear that he wanted the Agency to insist upon requesters providing a reasonable description of the records they seek, as opposed to "fishing expeditions," and, within the limits of the law, to assess fees, when appropriate, to weed out frivolous from serious, scholarly requests.

With respect to appeals processing, the issue was raised of whether it was necessary for OGC to continue its role of preparing response letters. The General Counsel stressed the point that it was essential that the Agency's appeal determinations hold up in court, and that this could be ensured only through participation of OGC in the appeals process. Whether OGC could achieve this objective while acting only in an advisory capacity was not discussed. There seemed to be a consensus in the Committee, however, that the processing of appeals should be expedited, either by the employment of additional paralegal personnel in OGC or by assigning responsibility for preparing appeal responses to another organization. The General Counsel suggested that eliminating second searches during the processing of appeals, which he stated were not required by law, might expedite the process.

There was general agreement that the Agency should be in a position to demonstrate to the courts and to the Congress that every reasonable effort had been made to comply with the response deadlines stipulated by law. In that context, the proposed request for a supplemental appropriation for positions and funds for FOI/PA administration was discussed at some length, as was the possibility of diverting systematic review personnel to FOI/PA work.

Proposal No. 1: That FOI/PA processing methods be streamlined whenever this can be done without undue risk. For example, agency components should look into the various levels of review they currently employ and eliminate any that are not deemed essential to the protection of intelligence sources and methods.

APPROVED: _____

Deputy Director of Central Intelligence

DISAPPROVED: _____

Deputy Director of Central Intelligence

DATE: _____

ADMINISTRATIVE INTERNAL USE ONLY

Proposal No. 2: That, with the approval of OGC, a separate queue be established for massive requests in order that manpower can be freed to work on less complex requests submitted at a later date, thereby reducing the total number of unanswered requests. The basis for placing requests in the new queue should be the number of pages that require review. This figure should be determined jointly by the DDO and IPD, and concurred in by OGC.

APPROVED: _____

Deputy Director of Central Intelligence

DISAPPROVED: _____

Deputy Director of Central Intelligence

DATE: _____

Proposal No. 3: That OGC take measures to ensure that responses to appeals are drafted promptly upon completion of the action components' reviews, including, if necessary, the addition of new paralegal personnel to OGC's staff. If the problem persists, consideration should be given to assigning responsibility for the preparation of appeal letters to another component, with the understanding that OGC will be consulted whenever appropriate.

APPROVED: _____

Deputy Director of Central Intelligence

DISAPPROVED: _____

Deputy Director of Central Intelligence

DATE: _____

Proposal No. 4: That the Agency submit a request to the Congress, through the Office of Management and Budget, for a supplemental appropriation authorizing sufficient positions and funds to facilitate reduction of the processing backlogs and to enable the Agency to respond to requests in a more timely manner.

APPROVED: _____

Deputy Director of Central Intelligence

DISAPPROVED: _____

Deputy Director of Central Intelligence

DATE: _____

Proposal No. 5: That future Agency budget submissions provide for enough FOI/PA positions to accommodate all employees who are, in fact, devoting 100 percent of their time to FOI/PA processing.

APPROVED: _____

Deputy Director of Central Intelligence

DISAPPROVED: _____

Deputy Director of Central Intelligence

DATE: _____